REMARKS

Initially, in the Office Action, the Examiner has required appropriate correction and clarification of the language of claim 25. Further, the title of the invention has been objected to and a new title has been required. Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §101. Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §112, second paragraph. Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0083145 (Perinpanathan) in view of US. Patent Application Publication No. 2003/0005458 (Mori).

By the present response, Applicant has amended claims 21 – 27, 29 and 35 – 40 to clarify the invention. Claims 21 – 29 and 35 – 40 remain pending in the present application.

Asserted References and PTO 892 Form

Applicant notes that the asserted Perinpanathan and Mori references are not listed on the PTO 892 Form received with the Office Action and Applicant could find no information that these references were previously asserted or submitted by Applicant. Applicant respectfully requests the Examiner to provide an appropriate PTO 892 Form listing these references with any future Office Action.

Examiner's Comments/Remarks

The Examiner has required appropriate correction of the language of claim 25 asserting that the language suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure. Applicant has amended this claim to further clarify the invention.

Specification Objections

The Examiner has objected to the title of the invention and required a new title. Applicant has submitted a new title that is clearly descriptive of the present invention and respectfully requests that this objection be withdrawn.

35 U.S.C. §101 Rejections

Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §101. Applicant has amended these claims to further clarify the invention and respectfully requests that these rejections be withdrawn.

35 U.S.C. §112 Rejections

Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §112, second paragraph. Applicant has amended these claims to further clarify the invention and respectfully requests that these rejections be withdrawn.

35 U.S.C. §103 Rejections

Claims 21 – 29 and 35 – 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Perinpanathan in view of Mori. Applicant respectfully traverses these rejections.

Perinpanathan discloses a device which may, during online communications, retrieve content and an online/offline agent tailored to the retrieved content, interactive application and the device being used. Once retrieved, the content is stored in memory and the online/offline agent commences execution. The device may go offline while a user interacts with the content and the online/offline agent tracks and stores the user's interactions. At any point the device may go back online (as a result of, for example, a user's selection or instructions) and communicate with a synchronization server a device adapted to receive and interpret tracked data. Once in communication, the device uploads tracked data and, in some instances, receives additional instructions or content responsive to the tracked data uploaded. Additionally, the device is enabled to communicate with other similar devices. During communication with these other devices, a device may transfer an online/offline agent, content or tracked data. This inter-device communication may occur indirectly using conventional networks (e.g., a digital wireless network, wireline network or a combination thereto) or directly (e.g., using radio or infrared communication). Resulting from this peer-to-peer communication, users (i.e., human or machine users) of devices embodying aspects of the invention, may communicate and collaborate while offline from conventional networks.

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Mori discloses a broadcast apparatus that broadcasts data. In the broadcast apparatus, an acquiring unit acquires broadcast data in a reproduction time period in which the broadcast data is to be reproduced by a reception apparatus, and a broadcasting unit repeatedly broadcasts the broadcast data from a predetermined time period before a start of the reproduction time period to an end of the reproduction time period.

Regarding claims 21 and 35, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, evaluating, by a metering handler, a status of at least one parameter, or comparing, by the metering handler, an amount of stored media event requests stored in a cache memory with the at least one parameter, or storing, by the metering handler, the reader event requests in the cache memory, or sending the meter event request and an entire contents of the cache memory to a metering service in order to process the meter event request based on the evaluation and the comparison, or wherein the at least one parameter is associated with the service request and a predefined convention, and the at least one parameter defines how many meter event requests may be stored in the cache memory.

The Examiner admits that Perinpanathan does not disclose or suggest these limitations but asserts that Mori discloses these limitations. For example, the Examiner assets that Mori discloses comparing the actual content of a cache memory with at least one parameter in paragraphs 33, 54, 119, 120, 127, 128, and Figures 9, and claims 9, 18, 44, and 47. However, these portions merely disclose details related to a cache instruction broadcasting unit broadcasting a cache instruction to instruct the reception apparatus to perform caching and what to store, and details regarding what the reproducing unit may reproduce during the reproduction time period. This is not comparing, by the metering handler, <u>an amount of stored metered event requests stored in a cache memory with the at least one parameter</u>, as recited in the claims of the present application. Mori merely discloses a cache instruction broadcasting means broadcasting cache instructions to instruct the reception apparatus to perform caching

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by storing first broadcast data when the first broadcast data has been stored in a predetermined storage medium, and a reproduction instruction broadcasting means broadcasting the reproduction instruction to instruct the reproduction apparatus to reproduce the first broadcast data stored in the cache memory when the first broadcast data has been stored in the cache memory, and when the first broadcast data has not been stored in the cache memory, the first broadcast data stored in the predetermined storage medium or the first broadcast data broadcast data broadcast by the broadcasting means. This is not <u>comparing an amount of stored meter event requests with at least one parameter</u>.

Further, the Examiner asserts that Mori discloses storing the meter event request in the cache memory or sending the meter event request and the content of the cache memory to a metering service in order to process the meter event, in the same paragraphs, figures and claims in Mori mentioned previously. However, these portions do not disclose or suggest storing a meter event request in a cache memory or sending the meter event request <u>and an entire contents of the cache memory</u> to a metering service in order to process the meter event request <u>based on the evaluation and the comparison</u>, as recited in the claims of the present application. Mori does not disclose or suggest storing <u>an entire contents of a cache memory to a metering service</u> or the storing being based <u>on an evaluation of a status of at least one parameter and a comparison of an amount of stored meter event requests stored in a cache memory</u>.

Similarly, neither Mori nor Perinpanathan disclose or suggest wherein the at least one parameter is associated with the service request and a predefined convention, and <u>the at least one parameter defines how many meter event requests may be stored in the cache memory</u>, as recited in the claims of the present application.

Regarding claims 22 – 29 and 36 – 40, Applicant submits that these claims are dependent on one of independent claims 21 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 21 – 29 and 35 – 40 of the present application. Applicant

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respectfully requests that these rejections be withdrawn and that these claims be allowed.

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Conclusion

In view of the forgoing amendments and remarks, Applicant submits that claims 21-29 and 35-40 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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